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10 *Attorneys for Court-Appointed Monitor*

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 THOMAS W. MCNAMARA, as the Court-  
Appointed Monitor,

14 Plaintiff,

15 v.

16 GARY PATTEN, an individual; PANO  
ADVISORS, INC., a Nevada corporation;  
17 DOES I-X; and ROE CORPORATIONS I-X,

18 Defendants.

Case No. 2:17-cv-02968-JCM-NJK

**STIPULATION AND ORDER TO  
EXTEND TIME TO RESPOND TO  
DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT**

**(First Request)**

Judge: Hon. James C. Mahan

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20 Plaintiff, Court-appointed Monitor, Thomas W. McNamara ("Plaintiff")<sup>1</sup>, by and through  
21 his counsel, Michael F. Lynch of the Lynch Law Practice, PLLC and Edward Chang and Logan  
22 Smith of McNamara Smith LLP and Defendants Gary Patten and Pano Advisors, Inc.  
23 ("Defendants"), by and through their counsel, Jacobs L. Fannesbeck of Smith Correll, LLP and

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25 <sup>1</sup> Thomas W. McNamara is acting in his capacity as the Court-appointed Monitor for  
26 AMG Capital Management, LLC; BA Services LLC; Black Creek Capital Corporation;  
27 Broadmoor Capital Partners, LLC; Park 269, LLC; C5 Capital LLC; DF Services Corp.; DFTW  
28 Consolidated [UC] LLC; Impact BP LLC; Level 5 Apparel LLC; Level 5 Capital Partners LLC;  
Level 5 Eyewear LLC; Level 5 Motorsports, LLC; Level 5 Scientific LLC; NM Service Corp.  
(f/k/a/ National Money Service); PSB Services LLC; Real Estate Capital LLC (f/k/a/ Rehab  
Capital I, LLC); Sentient Technologies; ST Capital LLC; Westfund LLC; Eclipse Renewables  
Holdings LLC; Scott Tucker Declaration of Trust, dated February 20, 2015; West Race Cars,  
LLC; and Level 5 Management LLC; and their successors, assigns, affiliates, and subsidiaries.

Sharon L. McCarthy, Christopher M. Ferguson, and Cassandra Vogel of Kostelanetz & Fink, LLP, hereby stipulate to the following:

WHEREAS, Defendants Gary Patten and Pano Advisors, Inc.'s Motion to Dismiss Plaintiff's Complaint ("Motion to Dismiss") was filed on February 9, 2018 (ECF No. 22);

WHEREAS, Plaintiff's deadline to file his response to the Motion to Dismiss is currently February 23, 2018;

WHEREAS, the parties stipulate, subject to Court approval, that Plaintiff's deadline to file his response to the Motion to Dismiss shall be extended by three weeks, to March 16, 2018;

WHEREAS, the parties also stipulate, subject to Court approval, that Defendants' deadline to file their reply shall be extended by two weeks, to April 6, 2018; and

WHEREAS, this is the first stipulation for extension of time to file Plaintiff's response and Defendants' reply to the Motion to Dismiss.

Dated: February 20, 2018

Dated: February 20, 2018

McNAMARA SMITH LLP

KOSTELANETZ & FINK, LLP

/s/ Edward Chang

/s/ Christopher M. Ferguson

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Attorneys for Court-Appointed Monitor,  
Thomas W. McNamara

Attorneys for Defendants Gary Patten and  
Pano Advisors, Inc.

IT IS SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

DATED: February 23, 2018

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 20th day of February, 2018, pursuant to Fed. R. Civ. P. 5(b), I  
3 served via CM/ECF or delivered by email and mailing in the U.S. Mail a true and correct copy of  
4 the foregoing a true and correct copy of the foregoing **STIPULATION AND ORDER TO  
EXTEND TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT**, postage prepaid and addressed to the following:

5 **VIA CM/ECF**

6 Sharon L. McCarthy  
7 Christopher M. Ferguson  
8 Cassandra Vogel  
9 Kostelanetz & Fink, LLP  
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**VIA CM/ECF**

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*Attorneys for Defendants*

12  
13 /s/ Edward Chang

Edward Chang  
14 *Attorneys for the Court-appointed Monitor,*  
15 *Thomas W. McNamara*  
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